

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
SIXTH DIVISION

In RE:

Bky No.: 04-60106-DDO

Daniel S. Miller,
Debtor.

Adversary Case No. :04-6043

Daniel S. Miller,

Plaintiff,

ANSWER OF JETN FARMS, LLP

vs.

Daniel Altepeter, Darral Altepeter, John Altepeter, Peter Anderson, Roger Anderson, Doug Barth, Chuck Bina, Bremer Bank National Association, Monte Casavan, Gregory Driscoll, Dubuque Farming Association, Emmert Farms, Farmers Coop Grain & Seed, Kyle Haake, Roger Hagen, Russ Halverson, Gary Hoper, J&J Gust Farms, J.O. Thorson Farms, Inc., JETN Farms LLP, Gorman Johnson, Loren Johnson, Walter Johnson, Dan Juneau, Joe Juneau, Charles Kaml, Key West Farms, KO-R Farms, Inc., K-Team, Gary Larson, Lonesome Land, Matco, Inc., David McCollum, McWalter Farms, Inc., James A. Narum, Bradley Nelson, Doyle Nelson, Jeremy J. Nelson, Patrick Noll, Erik Nymann, Nymann Farms, Ose Farms a/k/a Joseph T. Ose, Burl Peckman, Gary Peckman, Pederson Brothers, Peterson Farms, PM Farming, Inc., Hans Reinhardt, Darrold Rodahl, Larry Roisland, Gary Salentiny, Dennis Salentiny, Richard Salentiny, Andrew Spaeth, John Spina, Howard Steinmetz, Matt Thorson, Ronald Thorson, Tri-Mack Potato, Inc., United Grain & Livestock, Erwin Vanek, Dan Wichterman, Steve D. Wollin and Gregory Wollin.

Defendants.

COMES NOW, JETN Farms LLP, by and through its undersigned attorney as and for its answer to the amended complaint of the Plaintiff states and alleges as follows:

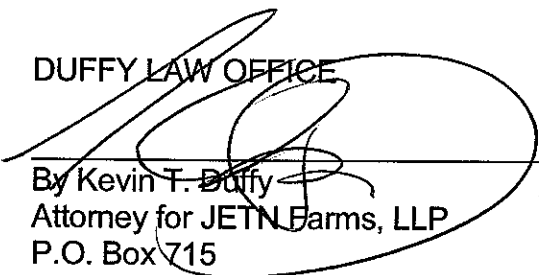
1. The answering Defendant denies each and every allegation statement or assertion contained in said amended complaint unless expressly admitted, qualified or otherwise explained.
2. The answering Defendant admits the allegations contained in paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 25, 32, 59, 126, 127, 130 and 131.
3. The answering Defendant is without a basis to form a belief as to the truth or veracity of the allegation contained in paragraphs 2, 10, 11, 12, 13, 15, 17, 18, 22, 23, 24, 30, 31, 33 through 58, 60 through 116, and 133 through 138.
4. The answering Defendant specifically alleges that they left a check taped to the storage facility for any damage caused to the facility as a result of the removal of wheat from the facility on or about January 23, 2004 and January 24, 2004. Furthermore, the answering Defendant specifically alleges that it was the rightful owner of the wheat that was removed from bin site number 6 and referenced in paragraphs 126 and 127 of the complaint. As a result of this, the Plaintiff fails to state a claim upon relief may be granted under Count II of his complaint.
5. The answering Defendant affirmatively alleges that even though the Plaintiff claims to not have possessed a storage bond through the State of Minnesota, he did in fact store grain for the answering Defendant and other Defendants. His normal terms were the first 60 days of storage were free and thereafter the answering Defendant and others would be charged \$.02 per bushel per month. He would deduct this price from the price that he paid for the grain so the official storage payments could never be traced back to him.

WHEREFORE, the Defendant, JETN Farms, LLP prays for an Order of the Court as follows:

1. Determining that the Plaintiff has no ownership claims or rights to the grain removed by JETN Farms, LLP from the bin site number 6 on or about January 23, 2004.
2. Determining that the Plaintiff did in fact store 3,303.18 bushels of soybeans for JETN Farms, LLP and, therefore, a bailment was created. Furthermore, determining that JETN Farms, LLP is the owner of 3,303.18 bushels of soybeans as outlined in paragraph 59 of the complaint.
3. Dismissing the Plaintiff's complaint so far as it relates to JETN Farms, LLP and furthering awarding JETN Farms, LLP its attorneys fees, costs and disbursements incurred in connection with this proceeding.
4. Granting to JETN Farms, LLP such other and further relief as to the Court deems just and equitable.

Dated: July 8, 2004.

DUFFY LAW OFFICE



By Kevin T. Duffy
Attorney for JETN Farms, LLP
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AFFIDAVIT OF MAILING

Daniel Altepeter, Darral Altepeter, John Altepeter, Peter Anderson, Roger Anderson, Doug Barth, Chuck Bina, Bremer Bank National Association, Monte Casavan, Gregory Driscoll, Dubuque Farming Association, Emmert Farms, Farmers Coop Grain & Seed, Kyle Haake, Roger Hagen, Russ Halverson, Gary Hoper, J&J Gust Farms, J.O. Thorson Farms, Inc., JETN Farms, LLP, Gorman Johnson, Loren Johnson, Walter Johnson, Dan Juneau, Joe Juneau, Charles Kaml, Key West Farms, KO-R Farms, Inc., K-Team, Gary Larson, Lonesome Land, Matco, Inc., David McCollum, McWalter Farms, Inc., James A. Narum, Bradley Nelson, Doyle Nelson, Jeremy J. Nelson, Patrick Noll, Erik Nymann, Nymann Farms, Ose Farms a/k/a Joseph T. Ose, Burl Peckman, Gary Peckman, Pederson Brothers, Peterson Farms, PM Farming, Inc., Hans Reinhardt, Darrold Rodahl, Larry Roisland, Gary Salentiny, Dennis Salentiny, Richard Salentiny, Andrew Spaeth, John Spina, Howard Steinmetz, Matt Thorson, Ronald Thorson, Tri-Mack Potato, Inc., United Grain & Livestock, Erwin Vanek, Dan Wichterman, Steve D. Wollin and Gregory Wollin.

Defendants.

STATE OF MINNESOTA)

) SS.

COUNTY OF PENNINGTON)

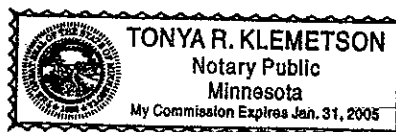
Tammy W. Brausen being first duly sworn, upon oath, deposes and says that in said County and State on July 8, 2004, she served the attached **ANSWER** upon the following named persons by then and there placing a true and correct copy therein in a sealed envelope, with postage prepaid thereon, and depositing the same in the U.S. Mail at Thief River Falls, Minnesota, addressed to:

SEE ATTACHED SERVICE LIST.

Tammy W. Brausen
Tammy W. Brausen

Subscribed and sworn to before
me on July 8, 2004.

Tonya R. Klemetson
Notary Public



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